

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00156

MILFORD HUBERT GORDON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 30, 2018, the United States of America appeared by Meredith George Thomas, Assistant United States Attorney, and the defendant, Milford Hubert Gordon, appeared in person and by his counsel, Rhett H. Johnson, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a 16-month term of supervised release in this action on June 28, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on December 29, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on September 12, 2017, the defendant having admitted to the probation officer that he used marijuana on September 10, 2017; his admission to the probation officer on October 25, 2017, that he intravenously used heroin and smoked marijuana one week earlier and that he had nasally ingested methamphetamine on October 22, 2017; a positive urine specimen submitted by him on November 8, 2017, for marijuana, benzodiazepines, methamphetamine and morphine, the defendant having admitted to the probation officer on November 16, 2017, that he had previously used methamphetamine, heroin and fentanyl; his admission to the probation officer on May 9, 2018, that he had used marijuana on May 1, 2018; his admission to the probation officer on May 10, 2018, that he had used methamphetamine on May 8, 2018; and his admission to the probation officer on July 31, 2018, that he nasally ingested methamphetamine on July 30, 2018; (2) the defendant failed to participate as instructed in outpatient substance abuse counseling and in an inpatient

substance abuse program as more fully set forth in Violation No. 2; (3) the defendant failed to report for urine screens as instructed on July 20, August 21, September 12 and 29, October 3 and 26, and November 27, 2017; (4) the defendant failed to participate in and successfully complete the 9 to 12 month residential drug treatment program at Recovery Point inasmuch as he entered the program on January 16, 2018, and was discharged on May 1, 2018, for being disruptive towards clients and being disrespectful to staff; and (5) the defendant committed the state and local offenses of domestic assault and domestic batter on June 9, 2018, as evidenced by his stipulation on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; all as admitted by the defendant on the record of the hearing with the exception of (5) set forth above and all as set forth in the petition on supervised release and amendments thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised

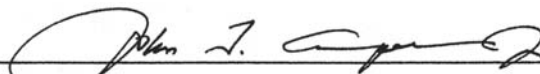
release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS LESS ONE DAY.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 30, 2018



John T. Copenhaver, Jr.
United States District Judge